

REMARKS

Claims 17 and 20-30 are pending in the application, and stand rejected.

Rejection under 35 U.S.C §103

Claims 17, 20-24 and 26-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,790,074 to Rangedahl et al. in view of U.S. Pat. No. 6,370,629 to Hastings et al. In particular, the Examiner finds that with respect to claim 17, Rangedahl teaches all claimed limitations with the exception of specifically teaching that the equipment is authorized for use in accessing target data provided on a removable data carrier or in a received data file, and a comparison arrangement for comparing the current-location data with the accessed authorized-location data whereby to generate a location-match signal upon this comparison indicating that the equipment is currently located in said authorized location or locality. The Examiner further finds that Hastings, however, discloses a method of accessing information, which is stored on a portable computer-readable CD-ROM which serves as a data distribution media, may be controlled based on actual geographic position of a computer system on which the information is to be accessed and the time when it is to be accessed. The Examiner concludes that it would have been obvious to a skilled person to modify the method of controlling access to stored information based on geographic location as taught by Hastings to the method of automated location verification and authorization of electronic devices of Rangedahl to include accessing target data provided on a removable data carrier or in a received data file, and a comparison arrangement for comparing the current location data with the accessed authorized location data. Applicants are in respectfully disagreement with the Examiner as to the obviousness of such a combination, and further disagree that such a combination would render the methods of claim 17 or 20.

Rangedahl is directed to a situation where, as the allocation of frequency bands to wireless devices are reorganized and changes introduced area by area, it becomes useful to be able to automatically authorize a wireless devices for a particular frequency band only when that band is one currently allocated for the area in which the wireless device is located. At any one time, there will be a particular set of locations where the wireless device can be enabled – that is, there is a particular location-based device-enablement policy. However, this policy needs to

change with time. Rangedahl proposes a solution employing a central authorization device 20 that the user devices 10 must contact to get authorization to operate, the authorization device 20 being arranged to receive location data about the device 10 and compare it with the location-based device-enablement policy stored in a database 120; only if the wireless device is in a location where its operation is currently allowed, will the authorization device 20 grant permission for the device to operate. For this particular situation addressed by Rangedahl, it makes sense for the policy data to be stored centrally as this facilitates its update as the changes in frequency band allocation progress area by area.

Applicants can discern no motivation whatsoever for a skilled person to attempt to apply these teachings of Rangedahl to modify the method of Hastings. Rangedahl requires communication means to be provided for each piece of equipment, which is not a problem where the equipment possesses such capability, as in the specific situation addressed by Rangedahl. However, Hastings discloses an environment where the equipment can determine its own location from an on-board GPS receiver, and the skilled person would therefore be discouraged to look to the teachings of Rangedahl if attempting to improve or modify the type of system addressed by Hastings.

Furthermore, Rangedahl provides a single location-based device-enablement policy that is applicable to all devices. In contrast, Hastings provides file-specific access control policies and is concerned with situations where there are multiple files per disc and potentially a very large number of discs; in other words, there is a potentially very large number of location-based data-access control policies required by the Hastings system. The scenarios addressed by Hastings are therefore best handled at the local level – that is, each item of equipment carries out its own policy checking. This is only logical because, with a large number of policies, it makes most sense to put the policies relevant to a particular disc on that disc rather than in a central authorization database, as in Rangedahl.

Essentially, Rangedahl is directed to a method for providing a convenient way of accommodating a policy which changes with time and has wide applicability to all equipment within the network. The method of Hastings, in contrast, is much more narrowly focused and, furthermore, provides for time variance of the data-access control policies, so that there is simply

no motivation to adopt the Rangedahl approach of a central authorization system. Applicants further wish to point out that the location-based enablement of access to target data taught by Hastings is dependent on the identity of the target data, that is, the location-based data-access policy is target-data specific. This is a very different concept that is directed to a very different end (control of access to data already in the physical possession of the entity seeking access) than the method of Rangedahl, which is concerned with easily updating and evenly applying a single policy of access to a particular bandwidth by wireless communications devices. Hastings is concerned with data accessing devices, i.e. computers. Rangedahl is directed to wireless devices, i.e. cellular telephones. Applicants respectfully submit that a person skilled in one of these arts would not go looking at the other for inspiration, and therefore respectfully request the Examiner to withdraw the obviousness rejection and pass claims 17 and 20 to issue.

Claims 28-30 depend from claim 17, and claims 21-27 depend from claim 20. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 17 and 20, Applicants submit that claims 21-30 are also allowable.

Applicants present new claims 31-32, which are directed to the originally disclosed invention. No new matter is presented by these claims.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

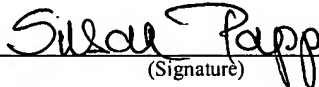
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 8, 2004

(Date of Transmission)

Susan Papp

(Name of Person Transmitting)

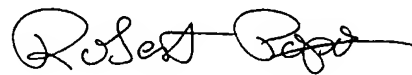


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(Date)

Respectfully submitted,



Robert Popa

Attorney for Applicants

Reg. No. 43,010

LADAS & PARRY

5670 Wilshire Boulevard, Suite 2100

Los Angeles, California 90036

(323) 934-2300 voice

(323) 934-0202 facsimile

rpopa@ladasparry.com